

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LAMONT ANDRE PERKINS,

Defendant.

8:08CR254

ORDER

This matter is before the court on the government's motion to continue trial (Doc. 33) due to scheduling conflicts. Counsel advised the court by telephone on December 8, 2008, that all counsel were available the week of January 13, 2009. For good cause shown,

IT IS ORDERED that the motion to continue trial (Doc. 33) is granted, as follows:

1. The trial of this matter is continued to **Tuesday, January 13, 2009** at 9:00 a.m. in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Judge Smith Camp will meet with counsel in chambers at **8:30 a.m.** on the first day of trial.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting a continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **December 16, 2008 and January 13, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to the attorneys' trial schedules and because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED December 9, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge